IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 22601 of 2003(N)

PETITIONER:

N.K.PAULOSE, NEELANKAL HOUSE,
PAZHOOR, PIRAVOM 686 664.

BY ADV. SRI.K.SURENDRA MOHAN

RESPONDENTS:
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1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
PIRAVOM - 686 664.

2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 22601/2003

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF PETIITONER'S LETTER DATED 07/07/2002 TO THE 1ST RESPONDENT.

P2 : COPY OF 1ST RESPONDENT'S NOTICE DATED 11/04/2003.

P3 : COPY OF PETITIONER'S OBJECTION DATED 23/04/2003.

P4 : COPY OF PETITIONER'S LETTER TO THE 1ST RESPONDENT DATED 02/06/2003.

P5 : COPY OF PROCEEDINGS DATED 06/06/2003 OF THE 1ST RESPONDENT.

P6 : COPY OF DEMAND NOTICE DATED 16/06/2003 OF THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 22601 of 2003

Dated, this the 22nd day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. Demand under challenge is on fixed charges after disconnection. It is seen from Ext.P1 that petitioner has reported closure of business and requested for disconnection. This is not taken by the Board as request for dismantling. However, on going by Ext.P1, I find that the petitioner reported stoppage of business and requested the Board to take steps for disconnection which conveys the idea that he does not want to pay any more bills. The Board should have taken the request as for dismantling as the intention of the petitioner is made clear in Ext.P1. In the circumstances, WP(C) is allowed vacating the impugned demand against the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg